

**FILED**

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MAR 27 2006

U.S. MAGISTRATE JUDGE  
DISTRICT OF NEVADA

BY \_\_\_\_\_

Attorneys for Plaintiff

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

8 IN THE MATTER OF THE SEARCH OF: )

) No. 3:06-MJ-0023-VPC

9 The Residence Located at 12720 )  
Buckthorne Lane, Reno, Nevada, and )  
10 Storage Units 136, 140, 141, 142, and 143, )  
Double R. Storage, 888 Maestro Drive, )  
11 Reno, Nevada )

**GOVERNMENT'S RESPONSE TO  
MOTION FOR AN ORDER SEALING  
AND SEGREGATING ALL ATTORNEY-  
CLIENT AND TRADE SECRET  
INFORMATION**

12 )  
13 )  
14 COMES NOW, the United States of America, by and through DANIEL G. BOGDEN, United  
15 States Attorney, and PAUL L. PUGLIESE, Assistant United States Attorney, and certifies that this  
16 response is being filed in a timely manner.

17 The Government does not oppose the motion for an order segregating all attorney-client  
18 privileged information provided the moving parties satisfy the Ninth Circuit requirement that the  
19 proponent of a privilege has the burden of establishing the attorney-client relationship and the  
20 privileged nature of the communication. *See United States v. Alexander*, 287 F.3d 811 (9<sup>th</sup> Cir.  
21 2002). To date, the moving parties have provided no information, other than issuing blanket  
22 attorney-client privilege assertions, to meet this burden. Yet, the Government will not oppose  
23 allowing opposing counsel an opportunity to provide the Court with information for a proper  
24 determination on this issue. At this time, opposing counsel will also have an opportunity to assert  
25 and provide evidence concerning an alleged trade-secret privilege, as claimed in their March 10,  
26 2006, motion. The Government will, however, oppose any disclosure of information prior to the


**SEALED DOCKET**

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1 conduct of a Department of Defense analysis of the seized electronic storage media and documents  
2 for classified information and information relating to the national defense. The Government asserts  
3 that, upon completion of that analysis, the parties will be in a better position to advise the Court on  
4 an appropriate course of action for reviewing the seized property and segregating privileged  
5 information.

6 Dated: March 24, 2006

7 Respectfully submitted,  
8 DANIEL G. BOGDEN  
9 United States Attorney

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11 PAUL L. PUGLIESE  
12 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the District of Nevada and is a person of such age and discretion as to be competent to serve papers. That on March ~~24~~<sup>24th</sup>, 2006, she served a copy of the attached response by facsimile and mail to the person hereinafter named, at the place stated below, which is the last known address and facsimile number.

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Counsel for Dennis and Brenda Montgomery and the Montgomery Family Trust

  
JOAN SILVERSHIELD